

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
State Historic Preservation Division
Honolulu, HI 96813

April 8, 2011

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST APPROVAL FOR SELECTION OF COMPETITIVE
SEALED PROPOSAL PROCESS AND AUTHORIZE THE
CHAIRPERSON TO AWARD AND EXECUTE A CONTRACT FOR
IMPLEMENTATION OF SELECTED ELEMENTS OF THE STATE
HISTORIC PRESERVATION DIVISION CORRECTIVE ACTION
PLAN

This Board Submittal requests approval to issue a Request for Proposals (RFP) under the competitive sealed proposal process, and authorize the Chairperson to award and execute a contract for implementation of selected elements of the State Historic Preservation Division Corrective Action Plan.

BACKGROUND

In March 2010, the National Park Service (NPS) issued a report determining that the Hawai'i State Historic Preservation Division did not comply with several provisions of its federal grant and deemed it a "high risk grantee." The NPS identified significant operational problems in several non-discretionary federally-mandated activities subject to Section 101.B.3 of the National Historic Preservation Act (NHPA) and funded by the Historic Preservation Fund. The NPS in consultation with SHPD and other agencies and external historic preservation organizations developed the two-year Corrective Action Plan and timeline to provide a guide for correcting these problems. Loss of its status would have significant and devastating impact on both heritage protection and timely processing of federal actions in Hawaii.

The State Historic Preservation Division (SHPD) Corrective Action Plan and established timelines is intended to correct problems noted in an NPS review conducted from 2007 – 2009 and detailed in their report dated March 2010. Implementation of elements of the plan has already begun and the remainder must be completed by June 2012. The Department desires to contract services for implementation of selected elements of the SHPD Corrective Action Plan.

The overall objective is to implement the Corrective Action Plan within the established timeline to strengthen the operations at the SHPD. To meet this objective the Division needs the assistance of an outside consultant. The contract shall be completed by June 1, 2012. A general description of the scope of work is to implement the SHPD Corrective Action Plan as it pertains to: (1) Inventories and Surveys; (2) Geographic Information Systems; (3) The National Register; (4) National Historic Preservation Act Section 106 compliance; and (5) Hawai'i Revised Statutes Chapter 6E compliance.

The contractor will assist the SHPD in: (1) recruitment of new SHPD staff and develop a program of evaluation and retention of new and existing staff; (2) developing a process that will clear the backlog of 400 SHPD permits and reports (the process to be implemented by existing and new SHPD staff); (3) develop standard operating procedures to comply with NHPA Section 106 and HRS Chapter 6E. Additionally selected contractor will be expected to provide guidance and senior leadership mentoring for the SHPD Administrator and collaborate, when necessary, with independent contractors previously selected to conduct Certified Local Government training and operations, and to develop the Statewide Comprehensive Preservation Plan.

The consultant(s) will report to the First Deputy of the Department of Land and Natural Resources and submit written reports beginning July 1, 2011 on a quarterly basis and meet monthly with the Office of the Chairperson to provide verbal progress reports on a monthly basis.

DISCUSSION

Based on the requirements and special conditions of this procurement, the Department recommends that a competitive sealed proposal process be used for source selection. Such an approach will be most advantageous procurement process because:

- 1) The primary consideration for the determination of the award for this Request For Proposals is not price.
- 2) Oral and written discussion may need to be conducted with the Applicants concerning aspects of the scope of work.
- 3) Awards need to be based upon a comparative evaluation as stated in the Request For Proposal of differing price, quality, proposed process, feasibility of completion by required timeline, and other contractual factors in order to determine the most advantageous offering to the State.

Pursuant to HAR 3-122-43, a determination by the Department procurement officer must be made for the use of the competitive sealed proposal process over the competitive sealed bidding process when the competitive sealed bidding process is neither practicable nor advantageous to the State.

Additionally pursuant to HAR 3-122-45, the procurement officer must make a determination that an evaluation committee, selected in writing by the procurement officer, shall evaluate the competitive sealed proposals. The evaluation committee shall consist of at least three

government employees with sufficient qualifications in the area of the services to be procured and non-State employees with sufficient knowledge may be included pursuant to 3-122-45.01. The Department requests the Board delegate authority to the Chairperson to appoint an evaluation committee meeting the specifications set forth in HAR 3-122-45 and 45.01.

In order to expedite a contract for this procurement, SHPD requests that the Board delegate authority to the Chairperson to award and execute the contract for goods and services based on the recommendations of the evaluation committee and other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

The Department has considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR and declares that this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

RECOMMENDATIONS:

That the Board:

- 1) Approves the use of:
 - a. A competitive sealed proposal for implementation of selected elements of the State Historic Preservation Division Corrective Action Plan.
- 2) Delegates authority to the Chairperson to:
 - a. Appoint an evaluation committee comprised of the knowledgeable individuals to serve, evaluate, and select the competitive sealed proposals.
 - b. Award and execute a contract for goods and services, subject to the availability of funds and review and approval as to form by the Department of the Attorney General.

Respectfully submitted,



GUY H. KAULUKUKUI, Ph.D.
First Deputy

Approved For Submittal



WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources